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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 ANTOINE DeSHAWN BARNES,

12 Petitioner,

13 v.

14 KAMALA HARRIS, et al.,

15 Respondents.  
16

No. 2:22-CV-2175-TLN-DMC-P

FINDINGS AND RECOMMENDATIONS

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of  
18 habeas corpus under 28 U.S.C. § 2254. Pending before the Court is Petitioner's amended petition  
19 for a writ of habeas corpus, ECF No. 3.

20 Rule 4 of the Federal Rules Governing Section 2254 Cases provides for summary  
21 dismissal of a habeas petition "[i]f it plainly appears from the face of the petition and any exhibits  
22 annexed to it that the petitioner is not entitled to relief in the district court." In the instant case, it  
23 is plain that Petitioner is not entitled to federal habeas relief.

24 Petitioner names as respondents President Joe Biden and Vice President Kamala  
25 Harris. See ECF No. 3, pg. 1. According to Petitioner, he was convicted in October 2020 of  
26 "false inmate assault" and "false resisting arrest." Id. at 2. For grounds for relief, Petitioner  
27 states that he is being targeted by President Biden and Vice President Harris for racial harassment  
28 and retaliation. See id. at 3. Petitioner also contends that President Biden and Vice President

1 Harris are making terrorist threats against him. See id. It appears that Petitioner wants President  
2 Biden to sign a “True Thumbs Up Guy” law exonerating Petitioner. See id. at 4. Petitioner asks  
3 that President Biden and Vice President Harris be summoned to the federal courthouse in  
4 Sacramento, California, whereupon he will be released into White House custody. See id.  
5 Petitioner also seeks a payment of \$800,000,000,000,000.00. See id. After filing the operative  
6 amended petition in this case, Petitioner filed a supporting declaration reiterating his claims and  
7 request for a payment of \$800,000,000,000,000.00. See ECF No. 9.

8 Petitioner’s claims, which appear on their face to be fanciful and frivolous, do not  
9 relate to the legality of his underlying conviction. Because Petitioner does not raise any  
10 challenge to the fact or duration of his current incarceration, he fails to state a claim which is  
11 cognizable under § 2254. See Preiser v. Rodriguez, 411 U.S. 475, 500 (1973); see also Neal v.  
12 Shimoda, 131 F.3d 818, 824 (9th Cir. 1997); Trimble v. City of Santa Rosa, 49 F.3d 583, 586  
13 (9th Cir. 1995) (per curiam).

14 Based on the foregoing, the undersigned recommends that Petitioner’s amended  
15 petition for a writ of habeas corpus, ECF No. 3, be summarily dismissed.

16 These findings and recommendations are submitted to the United States District  
17 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days  
18 after being served with these findings and recommendations, any party may file written  
19 objections with the court. Responses to objections shall be filed within 14 days after service of  
20 objections. Failure to file objections within the specified time may waive the right to appeal. See  
21 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

22  
23 Dated: March 8, 2024



24 DENNIS M. COTA  
25 UNITED STATES MAGISTRATE JUDGE  
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